

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 620-161

LASKEY et al

C# M#

Serial No. 09/922,652

Group Art Unit: 1642

Filed: August 7, 2001

Examiner: NICKOL

Date: December 4, 2002

Title: DETECTION OF DYSPLASIA OR NEOPLASTIC CELLS USING ANTI-MCM2 ANTIBODIES

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED

DEC 06 2002

TECH CENTER 1600/2900

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 110.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 200.00

Other: Response; Copy of U.S. Patent No. 6,303,323; Recordation Form Cover Sheet; 18 pg. Deed of
Assignment; One-Month Extension Fee; Correspondence Address Indication For Attached 0.00

TOTAL FEE ENCLOSED \$ 310.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

12/05/2002 JADD01 00000027 09922652

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#10
12/18/02

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Filed: August 7, 2001

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For: DETECTION OF DYSPLASTIC OR NEOPLASTIC CELLS USING ANTI-MCM2
ANTIBODIES

* * * * *

December 4, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

Responsive to the Official Action dated November 5, 2002, the applicants elect, with traverse, the species of bladder tissue for initial examination in the above.

Reconsideration and withdrawal of the species election requirement and examination of all the claimed subject matter are requested in view of the following and attached.

As discussed with the Examiner on December 2, 2002, the election requirement indicated in the Office Action of November 5, 2002, is believed to be inappropriate as such as requirement was not made in the parent application Serial No. 09/175,947 and the present Examiner examined the claimed subject matter of the parent application without regard to tissue type. Attached is a copy of the parent patent (U.S. Patent No. 6,303,323)

wherein the Examiner will appreciate that claim 11, for example, is a dependent claim which recites variety of tissue type including lung, breast, colon, prostate, stomach, skin, esophagus and bladder. The Examiner indicated in a teleconference with the undersigned on December 2, 2002, that the Examiner may be willing to consider withdrawing the species requirement in view of the examination of similar subject matter without regard to tissue type in the parent application, now U.S. Patent No. 6,303,323. The Examiner is requested to contact the undersigned if anything further is required in this regard and/or if the Examiner has any further questions with regard to the prosecution in the parent application.

Moreover, the applicants note that the species election requirement of the Office Action dated November 5, 2002, has not included cervical tissue as recited in claim 106. Accordingly, the Office Action is incomplete in not including cervical tissue in the list of tissues specifically recited in the claims. Withdrawal of the species election requirement however for the reasons noted above and examination of all the claimed subject matter are requested.

An early and favorable Action on the merits of all the claimed subject matter is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

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Serial No. **09/922,652**

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